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Appln. No. 10/764,362
Amendment dated July 11, 2006
Reply to Office Action mailed January 17, 2006

REMARKS

Reconsideration is respectfully requested.

Claims 1 through 13 remain in this application. Claim 14 has been cancelled. No claims are withdrawn. Claims 15 through 21 have been added.

Parts 1 through 4 of the Office Action

Claims 1 through 6 and 10 have been rejected under 35 U.S.C. §102(b) as being anticipated by Bilger.

Claims 11 and 12 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Bilger in view of Salmi.

Claims 5 through 9 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Howell in view of Bilger.

Claim 13 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Howell and Bilger as applied to claim 5 through 9 and further in view of Salmi.

Claim 1, particularly as amended, requires "wherein the at least one rung has an end connected to the at least one rail at a connection, the end of the at least one rung being located outside of the interior of the at least one rail at the connection". This relationship is clearly disclosed in the patent application, especially, for example, in Figure 3 of the drawings. It is submitted that the claimed relationship produces an easier and less expensive fabrication of the ladder, while retaining the benefits of the fluid communication between the interiors that would otherwise be prevented by conventional ladder formation techniques.

The rejection of claim 1 in the Office Action relies upon the Bilger patent. However, it is noted that, contrary to the requirement of claim 1,

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the Bilger patent shows a ladder with rungs with end portions that clearly extend into the interior of the respective rail. (See, e.g., Figures 2, 4, and 5 of Bilger.) In fact, Bilger advocates the maximum insertion of the end portion of the rung into the interior of the rail. See, for example, Bilger at page 1, lines 88 through 96, that (emphasis added):

Like the side rails 3, 3, the rungs 5, 5, are preferably tubular and formed from sheet metal strip blanks so bent that their 90 edges meet along a longitudinal seam ns indicated at 8 in the drawings. The ends of the rungs are inserted in the apertured bosses of the side rails 3, 3 as far as permitted by their engagement with the inner 05 wall of said rails as suggested in Fig. IV.

It is therefore submitted that not only does the Bilger patent not disclose the claimed relationship noted above, the Bilger patent clearly leads one of ordinary skill in the art away from the requirements of claim 1.

It is therefore submitted that the Bilger patent would not lead one of ordinary skill in the art to the applicant's claimed invention as defined in claim 1, especially with the requirements set forth above, and therefore it is submitted that claim 1 is allowable over the prior art. Further, claims 2 through 13, which depend from claim 1, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

It is noted that the Salmi and Howell patents do not show the claimed relationships between the members shown in these patents, and the Salmi patent clearly shows (in e.g., Figures 6 through 12) an isolation of the interiors of the elements from each other, while the Howell patent lacks any clear disclosure of the relationship between the interiors of any rails and rungs.

Withdrawal of the §102(b) and §103(a) rejections of claims 1 through 13 is therefore respectfully requested.

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CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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Date: July 11, 2006

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